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May 3, 2005

Mr. Steve Burrell, Staff Engineer
Water Allocations Bureau
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, Id 83720-0098

Re: District 34

Dear Mr. Burrell:

On May 2, 2005, I wrote a letter to the Big Lost River Irrigation District regarding several issues. A copy of that letter and all attachments are included in this letter.

SUMMARY OF ISSUES:

1. According to IDAPA 37.03.12, Water Distribution Rules - Water Basin 34, Rule 060 states, "Water diversions shall be accounted for continuously, throughout the year by the watermaster."

The only accounting we can get is the Ditch Rider Logs showing total volume diverted for each canal. Example: Stock Water decreed Darlington 70 inches - Diversion 350 inches. The other canals are similar. We believe that this is "wasting water" and should be left in the river.

2. Listed as ISSUE 1 - Water in excess of rights as listed by the Watermaster 34 sent out canals in the spring. The 2004 Priority Sheet from Basin 34 states 68% of 4-22-1884 rights on from May 1, 2004 through May 18, 2004

On May 3, 2004, two days before storage was allocated, the Swauger and Darlington had 3 to 3.5 times more water than was decreed according to the priority sheet, etc. No attempt was made to fill the 1880 - 1883 rights below the Blaine Diversion. Spring Futile Call.

3. Listed as ISSUE 2 - Should the watermaster of Basin 34 have followed the criteria set forth in the ORDER - DETERMINING A FUTILE CALL FOR THE DELIVERY OF SURFACE WATER IN WATER DISTRICT No. 34, BIG LOST RIVER? This Order was dated for 2003, but shouldn't it apply to 2004 and future years?

1. How does IDWR or whomever figure the decrees to be turned on?
2. What measuring points are used in figuring decrees?
3. Does the seepage water from the base of reservoir figure into the decrees? (Approximately 100cfs) *yes*
4. Is the Sharp diversion added to the 2-B reading? (Assuming the 2-B is a point.) *yes*

According to Bob Shaffer and Bob Duke, there is little or no river loss in the upper reach. *In 7/31/04*
(Reservoir to Blaine Diversion) According to the records provided by Mr. Duke, there was 233 cfs at the 2-B gage. Diversions were as follows: 36 cfs - Burnett; 35 cfs - Darlington; 10.34 - Swauger; and 12.3 cfs - Beck. That leaves 139.36 cfs or 6,968 inches for which there is no accounting. That is 59.81% loss for that reach of the river or there are diversions for which there is no accounting.

Sincerely,

Nancy McDonald

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